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June 2, 2003

Marlene H. Dortch, Secretary
Federal Communications Commission
Washington, D.C. 20554

Re: ex parte communication, WT Docket 02-55

Dear Ms. Dortch:

The following persons participated May 30, 2003 in two FCC meetings on the referenced matter. They took part as representatives of their local governments, which are among the members of the Public Safety Improvement Coalition ("PSIC") that filed three sets of comments earlier in the proceeding.

Anne Arundel County: Bill DeHoff, Chief, Telecommunications Division; Jay Cuccia, Communications Officer; Jeff Martin, consultant, RCC.

District of Columbia, Office of the Chief Technology Officer: Guy Jouannelle.

City of Philadelphia: Robert Sutton, Department of Law; Norm Coltri, RCC.

For the PSIC as counsel: James Hobson

The group met at 11 a.m. with Wireless Telecommunications Bureau Chief John Muleta, Deputy Chief Cathy Seidel, Michael Wilhelm and other members of the WTB staff. The City of Philadelphia reviewed the attached "Statement on 800 MHz Interference Mitigation." The District of Columbia noted that spectrum realignment seems to be a long-term solution, albeit an operational nightmare whose cost has been underestimated by the Consensus Parties. This must be balanced against the interference that requires mitigation on an almost daily basis. Anne Arundel County reviewed the five-year record of mitigation efforts that is contained not only in

Docket 02-55 but also in Docket 02-100, including an agreement with Nextel to swap frequencies

The appended "Guide to PSIC Comments" was distributed, including reference to a separate filing by two other PSIC members, City of San Diego and County of San Diego.

The group participated at 2 p.m. in a meeting with Ed Thomas, Chief of the Office of Engineering and Technology ("OET") and members of his staff. Philadelphia repeated the gist of the Statement referenced above. Its consultant, Norm Coltri, also discussed the potentially negative "domino effect" of rolling public safety signal level increases, if required, across adjacent jurisdictions.

Anne Arundel County consultant Jeff Martin noted the different challenges faced by urban systems such as Philadelphia's -- relatively confined geographically -- and sprawling suburban areas such as the County, as they seek to maintain signal levels sufficient for in-building coverage. Mr. Martin engaged in a colloquy with Motorola representatives aimed at establishing that the -95/-98 dBm signal levels referenced by the Consensus Party Supplement at Appendix F and by Motorola in its May 6th ex parte communication are a measure of field strength and not of the signal at the receiver port. Finally, Mr. Martin suggested that the relatively low number of reports of interference to public safety systems by Southern Linc as compared with Nextel could be due to the substantial number of public safety systems actually served by Southern Linc.

While much of the discussion at the OET meeting compared the spectrum realignment proposed by the Consensus Parties with the suggestions in the Motorola May 6th letter, PSIC noted that there are lesser realignment proposals on the record as well, including a simple "de-interleaving" suggested by the FCC in the original Notice of Proposed Rulemaking. This limited realignment is referenced in the attached Philadelphia statement.

Respectfully submitted,

James R. Hobson
Counsel for PSIC

cc: Michael Wilhelm, for WTB; Jim Schlichting, for OET

THE CITY OF PHILADELPHIA
STATEMENT ON 800 MHz INTERFERENCE MITIGATION

- **The City advocates that a reasonable response to interference involves limited spectrum realignment paired with improved mitigation.**
 - The City opposes wholesale forced realignment on the scale of the Nextel or so-called "Consensus Plan" proposal.
 - The City realizes that **limited** rebanding is necessary in certain segments of the 800 MHz band where frequencies used by public safety agencies are interleaved with CMRS, SMR and business/industrial licensees ("Commercial Users"). Although this will require the City of Philadelphia to relocate several of its public safety channels, the City is willing to accept the administrative and operational challenges such relocation will entail because we believe that it is a reasonable price for overcoming the interference difficulties faced by public safety agencies using spectrum closely interleaved with Commercial Users. The City expects its financial burden of relocation to be fully covered by Commercial Users or a commitment of federal dollars prior to any relocation.
 - We believe that improved equipment as proposed by Motorola is a part of the solution to interference. However, we believe that full funding for public safety agency costs must be provided for such new equipment. Also, the Motorola proposal does not place enough burden on Commercial Users for interference they cause. Commercial Users should also be required to upgrade their own equipment.
 - An interfering licensee should be responsible for the interference it causes, even if it is functioning in the current specification while causing the interference. The City requests that the FCC put more "teeth" into mitigation requirements so that the party creating the harmful interference is responsible to fix the interference. The FCC rules should require that the interference be eliminated within a set period (i.e., within 60 days) after the interfering licensee is contacted.
 - The FCC should institute an "anticipatory process" by which steps are taken to mitigate interference prior to its occurrence.
 - FCC licensing and mandated coordination procedures should promote interference prevention. Geographic spacing standards should be established for allocation of adjacent and closely proximate channels. This should apply to both EA and non-EA licensees. Frequency coordinators should review the spacing of channels adjacent to and in close proximity to the frequency under consideration, as well as the co-channel spacing, during the coordination process. More consideration should also be given to adjacent channel use in the licensing process.

- The FCC should adopt the "APCO Best Practices" recommendation to require that user receiver equipment provide a minimum 75 dB intermodulation specification.

- **Funding**

- Any interference mitigation plan adopted by the FCC must provide for full funding of public safety agency costs **before** the agencies are required to incur costs for either spectrum relocation or new equipment.

- The Nextel proposal does not sufficiently assure that public safety agencies will be reimbursed for relocation costs. If it were to be adopted, Nextel should be required to provide a more significant funding commitment, and the federal government should guarantee full funding for public safety agencies.

- The Motorola proposal lacks sufficient provision for funding the equipment upgrade costs it entails. New equipment costs for interference mitigation must be covered by up-front funds.

- Given the near impossibility of estimating costs on a project of this magnitude, any cap placed on a relocation or mitigation fund for public safety is unacceptable.

- Each public safety agency should develop a frequency relocation transition plan with a full cost estimate based on the unique features and circumstances of its specific radio system. Administrative costs, including engineering and consulting services, as well as equipment, retooling and retuning costs, should be included in the estimate. The specific agency estimate should be submitted to the FCC for review and approval, possibly with the assistance of an advisory committee. Only after the estimate is approved and funding is committed should a public safety agency be required to relocate. Lack of sufficient funds for frequency relocation should not be a factor which reduces the amount legitimately required by a public safety agency to recover costs.

- Public safety entities must be assured they will not incur any monetary burden that a relocation or mitigation process will entail.

- A federal guarantee of funding should cover any shortfall in private funding for relocation or mitigation procedures.

- **Interference Mitigation Schedule**

- Public safety agencies must be reassured that there will be a reasonable time established for any relocation or equipment upgrades that are required.

- The schedule for any required spectrum relocation or equipment installation requirements should be linked to the availability of funds.

- Time periods for installation of any required new equipment should be set with consideration of the dates that current equipment was installed or the last frequency relocation made.

- **Implementation**

- Public safety agencies should be assured that there will be a strong FCC role in implementation, including funding administration, compliance monitoring and dispute arbitration. These appropriate federal oversight roles should not be delegated to private interests, or even a combination of public and private interests.

- Public safety agencies should be entitled to full participation in any advisory committee structure that may be established for implementation. Because public safety concerns should be uppermost in the deliberations of these committees, there should be a corresponding majority representation of public safety agencies.

- All rebanding steps should favor public safety agencies, as their primary objectives are the protection of life and property. Commercial Users should be required to vacate spectrum necessary for public safety users' transition prior to requiring public safety users to move into the newly allocated spectrum. The FCC should use 'greenspace' where possible, to facilitate the move. During a switchover, public safety agencies cannot tolerate outages lasting over even several minutes. System degradation lasting days, weeks or months during a transition period is wholly unacceptable.

Guide to PSIC Comments

Comments, 5/6/02

- 2 No consensus on band realignment; consensus may not be possible
- 3 Full compensation for relocation/retuning

Balancing of OOBE reduction/CMRS power reduction and PS receiver/signal level improvements

Presumptions in interference cases should favor PS systems
- 4-8 Summaries of six jurisdictions
- Exhs. Details for each jurisdiction

Reply Comments, 8/7/02

- 3 “Anticipatory process” to head off interference, not just cure or mitigate

Presumptions should favor public safety (see discussion of App. F below)

Supplemental Comments, 2/10/03

- 2 Adequacy of \$700 million PS relocation/retuning fund
- 3, n.5 Use of offset or splinter channels on Mexican border (see SD separate comments)

Special NPSPAC channel-mapping software changes
- 4 Scope of expense

“Consequential” costs, such as signal level improvements
- 5 Escrow/security
- 6 The spectrum linkage problem

Need for independent oversight

- 9 Appendix F of Supplement
- 10 Prior coordination of CMRS sites with PS
- 12 Radio programming issues (SmartZone, SmartNet)
- Att. VRS issue

San Diego City and County, 2/10/03

- 2-4 Channel shortages on the Mexican border
- 4-5 Possible cures
- 6-10 Problems with Appendix F, Consensus Party Supplement
- 10-11 Problems with NPSPAC and conventional channel widths
- 12 \$14 million-plus cost estimate